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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/319,828      | 06/11/1999  | WALTER GUENTER       | GUENTER-1(P)        | 3616             |

7590 05/29/2002

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| EXAMINER |
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AHMED, SHEEBA

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

1773

DATE MAILED: 05/29/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/319,828

Applicant(s)

GUENTER, WALTER

Examiner

Sheeba Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 14 March 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 15 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 15 and 17-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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**DETAILED ACTION**

***Response to Amendment***

1. Amendments to claims 15, 17, 18, 25, and 31 have been entered in the above-identified application. Claim 16 has been canceled. *Claims 15 and 17-31 are now pending.*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

2. Claims 15, 17, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al. (US 3,726,710).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 3 of the Office Action mailed on March 15, 2001 (Paper No. 9).

3. Claims 15 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedman et al. (EP 0622411A2).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 4 of the Office Action mailed on March 15, 2001 (Paper No. 9).

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4. Claims 15, 17, 19, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Higgins (US 5,932,352).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 5 of the Office Action mailed on March 15, 2001 (Paper No. 9).

5. Claims 15, 18, 19, 21, and 23-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Adamko et al. (US 5,948,517).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 6 of the Office Action mailed on March 15, 2001 (Paper No. 9).

***Claim Rejections - 35 USC § 103***

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berger et al. (US 3,726,710).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 7 of the Office Action mailed on March 15, 2001 (Paper No. 9).

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. (EP 0622411A2).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 8 of the Office Action mailed on March 15, 2001 (Paper No. 9).

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8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adamko et al. (US 5,948,517).

The above rejection is maintained for the reasons of record as set forth in Paragraph No. 9 of the Office Action mailed on March 15, 2001 (Paper No. 9).

***Response to Arguments***

9. Applicants traverse the rejection of claims 15, 17, 19, and 21 under 35 U.S.C. 102(b) as being anticipated by Berger et al. (US 3,726,710) and submit that Berger does not disclose a plastic film having materials with release properties incorporated into the plastic film, i.e., the release materials are mixed in during the production of the plastics and further state that Berger requires the coating of their release composition onto a substrate whereas the film of the instant invention may be a self-carrying layer or may be co-extruded with a carrying layer.

However, as pointed out in Paragraph No. 3 of the Office Action mailed on March 15, 2001 (Paper No. 9), the Examiner has taken the position that the release layer is equivalent to the plastic film of the claimed invention and contains a mixture of organopolysiloxane starting materials wherein one component is equivalent to the plastic matrix and the other is equivalent to the silicone compound of claim 15 or 17. With regards to the limitation that the release material is bound within the film so as to prevent the diffusion of the release materials into an adhesive when the film is disposed on an adhesive, the Examiner takes the position that release material, i.e., the first organopolysiloxane polymer, is bound within the film by the second

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organopolysiloxane polymer and hence Berger meets the limitations of the claimed invention. Furthermore, the Examiner takes the position that the silicone release material disclosed by Berger inherently does not diffuse into any adjoining adhesive layer given that the silicone release material of Berger is a polymer. With regards to Applicants argument that Berger does not meet the limitations of the claimed invention because Berger does not teach a self-carrying layer, the Examiner would like to point out that the limitations of the claimed invention do not preclude a multi layer structure having more than one layer, i.e, independent claims 15, 23, and 31 do not require the plastic film to be a monolayer or a self-carrying film.

Applicants traverse the rejection of claims 15 and 18-20 under 35 U.S.C. 102(b) as being anticipated by Friedman et al. (EP 0622411A2) and submit that Friedman does not disclose that the release materials are bound within the film so as to prevent diffusion into any adjoining adhesive layer. However, the Examiner would like to point out that Friedman et al. disclose polypropylene and polymethylpentene blends and their use as release sheets wherein the release sheet is equivalent to the polymer film of the claimed invention. The release properties of the release sheet can be further adjusted by employing one or more inorganic fillers. Page 4 of Friedman specifically states that the inorganic fillers may comprises 0.05 to 10% by weight of the blend and hence the Examiner takes the position that the inorganic fillers must be inherently bound within the matrix of the blend and hence Friedman meets all the limitations of claims 15 and 18-20.

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Applicants traverse the rejection under Higgins and submit that Higgins does not disclose a plastic film having materials with release properties incorporated into the plastic film, i.e., the release materials are mixed in during the production of the plastics and further state that Higgins requires the coating of their release composition onto a substrate whereas the film of the instant invention may be a self-carrying layer or may be co-extruded with a carrying layer. However, in response the Examiner submits that as pointed out in Paragraph No. 5 of the Office Action mailed on March 15, 2001 (Paper No. 9), the Examiner has taken the position that the release layer is equivalent to the plastic film of the claimed invention and contains a mixture of silicone resin (*corresponding to the silicone material of the claimed invention*) and a curable polymer (*corresponding to the plastic matrix of the claimed invention*). With regards to the limitation that the release material is bound within the film so as to prevent the diffusion of the release materials into an adhesive when the film is disposed on an adhesive, the Examiner takes the position that release material, i.e., the silicone polymer, is bound within the film by the curable polymer and hence Higgins meets the limitations of the claimed invention. Furthermore, the Examiner takes the position that the silicone release material disclosed by Higgins inherently does not diffuse into any adjoining adhesive layer given that the silicone release material of Higgins is a polymer. With regards to Applicants argument that Higgins does not meet the limitations of the claimed invention because Higgins does not teach a self-carrying layer, the Examiner would like to point out that the limitations of the claimed invention do not preclude a multi layer structure having



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more than one layer, i.e, independent claims 15, 23, and 31 do not require the plastic film to be a self-carrying film.

In response to the Applicants argument that Adamko does not teach the use of silicone materials along with polyolefin material as their release material, the Examiner would like to point out that independent claims 15, 23, and 31 simply recite the silicone release materials and the polyolefin release materials as alternatives (i.e., recited as members of a Markush group) and hence the limitations of the claimed invention do not require the presence of both silicone release materials and polyolefin release material in the plastic film.

Hence, the rejections of record are maintained.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,


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will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Sheeba Ahmed whose telephone number is (703) 305-0594. The Examiner can normally be reached on Monday-Friday from 8am to 5pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Paul Thibodeau, can be reached at (703) 308-2367. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-5436.

 Sheeba Ahmed  
May 23, 2002

  
Paul Thibodeau  
Supervisory Patent Examiner  
Technology Center 1700